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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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12 GREGORIO C. FUNTANILLA, JR.

No. CIV-S-01-2262 MCE/PAN P

13 Petitioner,

14 v.

ORDER

15 CHERYL PLILER

16 Respondent.
17 _____/

18 July 26, 2005, the court dismissed this action and the clerk
19 of the court duly entered judgment. Petitioner seeks relief from
20 judgment upon grounds asserted in his untimely objections to the
21 April 27, 2005, findings and recommendations.

22 Pursuant to Fed. R. Civ. P. 60(b):

23 On motion and upon such terms as are just, the court
24 may relieve a party or a party's legal representative
25 from a final judgment, order or proceeding for the
26 following reasons: (1) mistake, inadvertence, surprise,
or excusable neglect; (2) newly discovered evidence

1 which by due diligence could not have been discovered
2 in time to move for a new trial under Rule 59(b); (3)
3 fraud (whether heretofore denominated intrinsic or
4 extrinsic), misrepresentation, or other misconduct of
5 an adverse party; (4) the judgment is void; (5) the
6 judgment has been satisfied, released or discharged, or
7 a prior judgment upon which it is based has been
8 reversed or otherwise vacated, or it is no longer
9 equitable that the judgment should have prospective
10 application; or (6) any other reason justifying relief
11 from the operation of the judgment.

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Petitioner does not demonstrate he is entitled to relief
from judgment. Accordingly, petitioner's August 5, 2005, request
is DENIED.

IT IS SO ORDERED.

DATE: September 1, 2005



MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE

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